

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Christopher Colwell,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:13cv43
vs.	:	
	:	Chief Judge Susan J. Dlott
Warden Chillicothe Correctional Institution,	:	
	:	
Respondent(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on February 10, 2014 (Doc. 15), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired February 27, 2014, hereby ADOPTS said Report and Recommendation.

Accordingly, petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 (Doc. 1) is **DENIED** with prejudice, and that petitioner's request for an evidentiary hearing is **DENIED**.

A certificate of appealability will not issue with respect to any of the claims alleged in the petition in the absence of a substantial showing that petitioner has stated a "viable claim of the denial of a constitutional right" or that issues presented are "adequate to deserve encouragement to proceed further." *See Slack*, 529 U.S. at 475 (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)); *see also* 28 U.S.C. §2253 (c); Fed. R. App. P. 22(b).

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the Court will certify pursuant to 28 U.S.C. §1915(a)(3) that an appeal of any Order adopting the

Report and Recommendation will not be taken in “good faith,” and therefore will **DENY** petitioner leave to appeal *in formal pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court